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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

CBT NUGGETS, L.L.C.,

Plaintiff,

vs.

TRI NGUYEN, HUE NGUYEN, HUNG TRAN,
JOHN CAST, MIKE SCHEWE,
nicetodobusinesswithyou, examread,
examworld@gmail.com, examgrand@gmail.com,
hnt4585@gmail.com; hnt2937.

Defendants.

Case No. 12-CV-00291-HO

**AMENDED
COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

COPYRIGHT INFRINGEMENT
(17 U.S.C § 101 *et seq.*)

I. Nature of Action

1. This is a civil action for copyright infringement under the Copyright Act of 1976, (17 U.S.C. § 101 *et. seq.*) as amended.

II. Jurisdiction and Venue

2. This court has original jurisdiction under 28 U.S.C. § 1331 and § 1338(a).
3. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(a).

III. Parties

4. Plaintiff is a limited liability corporation duly organized and existing under the laws of the State of Delaware and having its principal place of business at 44 Club Road, Suite 150, Eugene, Oregon 97401.

5. Defendant **TRI NGUYEN** is an individual whose residence or principal place of business is, on information and belief, 59 Aston Villa, North Chili, New York 14514.

6. Defendant **HUE NGUYEN** is an individual whose residence or principal place of business is, on information and belief, 59 Aston Villa, North Chili, New York 14514.

7. Defendant **HUNG TRAN** is an individual whose residence or principal place of business is, on information and belief, 59 Aston Villa, North Chili, New York 14514.

8. Defendant **JOHN CAST** is an individual whose residence or principal place of business is, on information and belief, 493 East St., Roanoke, Virginia 24503.

9. Defendant **MIKE SCHEWE** is an individual whose residence or principal place of business is, on information and belief, 157 Ward St. Penfield, VA 17619.

10. Defendant **nicetodobusinesswithyou** is an entity or individual whose principal place of business is, on information and belief, 59 Aston Villa, North Chili, New York 14514.

11. Defendant **examread** is an entity or individual whose principal place of business is, on information and belief, 59 Aston Villa, North Chili, New York 14514.

12. Defendant **examworld@gmail.com** is an entity or individual whose principal place of business is, on information and belief, 59 Aston Villa, North Chili, New York 14514.

13. Defendant **examgrand@gmail.com** is an entity or individual whose principal place of business is, on information and belief, 59 Aston Villa, North Chili, New York 14514.

14. Defendant **hnt4585@gmail.com** is an entity or individual whose principal place of business is, on information and belief, 493 East St., Roanoke, Virginia 24503.

15. Defendant **hnt2937** is an entity or individual whose principal place of business is, on information and belief, 59 Aston Villa, North Chili, New York 14514.

16. As used herein “Defendants” refers to Tri Nguyen, Hue Nguyen, Hung Tran, John Cast, Mike Schewe, nicetodobusinesswithyou, examread, examworld@gmail.com, examgrand@gmail.com, hnt4585@gmail.com, and hnt2937.

IV. Infringement of Copyrights.

17. Plaintiff realleges paragraphs 1-15 above.

18. Plaintiff produces and markets instructional training materials for information technology certification training materials (hereinafter referred to as “Training Materials”). A copy of the titles and volumes of training materials is attached hereto as Exhibit “A”.

19. Plaintiff is, and all relevant times has been, the copyright owner of exclusive rights under United States copyright with respect to the Training Materials. The Training Materials are the subject of valid Certificates of Copyright Registration issued by the Register of Copyrights.

20. Among the exclusive rights granted to Plaintiff under the Copyright Act are the exclusive rights to reproduce the Training Materials and to distribute the Training Materials to the public.

21. Without the permission or consent of Plaintiff, Defendants have made duplicates of the Training Materials and have sold the Training Materials to the public over the Internet and by other means. In doing so, Defendants have violated Plaintiff’s exclusive rights of

reproduction and distribution. Defendants' actions constitute infringement of Plaintiff's copyrights and exclusive rights under copyright.

22. Plaintiff is informed and believes that the foregoing acts of infringement have been willful and intentional, in disregard of and with indifference to the rights of Plaintiff.

23. As a result of Defendants' infringement of Plaintiff's copyrights and exclusive rights under copyright, Plaintiff has suffered actual damages in an amount to be proven at trial.

24. On information and belief, Defendants have derived profit from the duplication and sale of the Training Materials. Plaintiff is also entitled to statutory damages pursuant to 17 U.S.C. § 504(c) for Defendants' infringement of each of the Training Materials. Plaintiff is further entitled to its attorney fees and costs pursuant to 17 U.S.C. § 505.

25. The conduct of Defendants is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiff great and irreparable injury that cannot fully be compensated or measured in money. Plaintiff has no adequate remedy at law.

26. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiff is entitled to injunctive relief prohibiting Defendant from further infringing Plaintiff's copyrights, and ordering Defendants to destroy all copies of Training Materials made in violation of Plaintiff's exclusive rights.

WHEREFORE, Plaintiff CBT Nuggets, L.L.C., prays for judgment against Defendants **Tri Nguyen, Hue Nguyen, Hung Tran, John Cast, Mike Schewe, nicetodobusinesswithyou, examread, examworld@gmail.com, examgrand@gmail.com, and hnt4585@gmail.com, and hnt2937** as follows:

A. For an injunction providing:

“Defendants, individually and each of them, shall be and hereby are enjoined from directly or indirectly infringing Plaintiff's rights under federal and state law in the Training Materials and any other intellectual property, whether now in existence

or later created, that is owned or controlled by Plaintiff (or any parent, subsidiary or affiliate of Plaintiff) ("Plaintiff's IP"), including without limitation, duplication, distribution to the public or making these materials available for distribution to the public, except pursuant to a lawful license or with express authority of Plaintiff. Defendants also shall destroy all copies of Plaintiff's IP in Defendants possession, custody or control, including, without limitation, all of Plaintiff's IP downloaded onto any hard drive or server."

B. An award of Plaintiff's actual damages and any profits made by the Defendants as a result of the infringement.

C. An award of statutory damages as a result of the infringement pursuant to 17 U.S.C. § 504(c).

D. An award of Plaintiff's costs, disbursements, and reasonable attorney fees pursuant to 17 U.S.C. § 505.

E. Such other and further relief, either at law or in equity, general or special, that the court may deem proper and just.

DATED: April 27, 2012

s/ E. Bradley Litchfield

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